

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**LAFAYETTE DIVISION**

**LIONELLO PAUL ANGELLE, ET AL.**

**CIVIL ACTION NO. 6:18-cv-0272**

**VERSUS**

**UNASSIGNED DISTRICT JUDGE**

**TOWN OF DUSON, ET AL**

**MAGISTRATE JUDGE  
WHITEHURST**

**JUDGMENT**

For the reasons assigned in the Report and Recommendation of the Magistrate Judge [Doc. No. 40] previously filed herein, and having thoroughly reviewed the record, no written objections having been filed, and concurring with the findings of the Magistrate Judge under the applicable law,

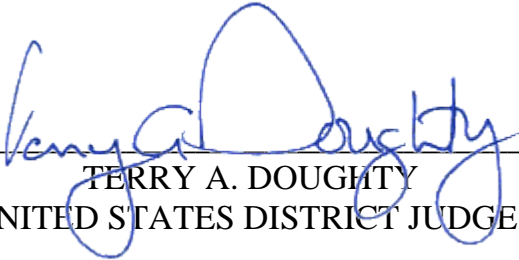
**IT IS ORDERED, ADJUDGED, AND DECREED** that the Motion to Dismiss [Doc. No. 31] filed by Defendants is **GRANTED IN PART and DENIED IN PART.**

The motion is **GRANTED** in that (1) Plaintiffs' *Monell* claim for failure to train, (2) Plaintiffs' Fourteenth Amendment claims for excessive force and malicious prosecution, (3) Plaintiffs' claim under the Fourteenth Amendment for a right to investigation, (4) Plaintiffs' § 1983 "freestanding" malicious prosecution claim, and (5) Plaintiffs' claim under 42 U.S.C. § 1981 are **ALL DISMISSED.**

**IT IS FURTHER ORDERED** that Plaintiffs must file a motion for leave to amend their First Amended Complaint as to the constitutional violations under § 1983, as well as state law, on or before October 10, 2018.

**IT IS FURTHER ORDERED** that the motion to dismiss is otherwise **DENIED**.

MONROE, LOUISIANA, this 26<sup>th</sup> day of September, 2018.

  
TERRY A. DOUGHTY  
UNITED STATES DISTRICT JUDGE